

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		Docket Number: 00395/45	Confirmation Number: 7867
Application Number 10/569,315	Filing Date April 28, 2008	Examiner WARD, Paul V.	Art Unit 1624
Invention Title Theramutein Modulators		Inventor(s) Gerard M. Housey	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on November 21, 2011

Signature: /Loretta E. Charles/
Loretta E. Charles

SIR:

1. In accordance with their duty of disclosure under 37 C.F.R. §1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. §609, Applicants hereby bring the references listed on the attached PTO Form SB/08 to the attention of the Examiner.
2. The listed references were cited during prosecution and/or litigation (see Bayer AG and Bayer Corporation v. Housey Pharmaceuticals, Inc., 1:01-cv-00148-SLR (D. Del.)) concerning Applicant's U.S. Patents 4,980,281, 5,266,464, 5,688,655, and 5,877,007.
3. Applicants respectfully request that the information be expressly considered during the prosecution of the above-identified application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the attached PTO Form SB/08 shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
4. A copy of each reference other than U.S. patents and published applications is attached.
5. Pursuant to 37 C.F.R. §1.97(b)(3), it is believed that no fees are due in connection with this Information Disclosure Statement. However, should any fees be due, the Director is authorized to charge Kenyon & Kenyon LLP Deposit Account No. 11-0600 for such fees.

Respectfully submitted,

Date: November 21, 2011

/Lawrence P. Casson/
Lawrence P. Casson
Reg. No. 46,606

KENYON & KENYON LLP
One Broadway
New York, NY 10004-1007
(202) 425-7200 (telephone)
(212) 425-5288 (facsimile)
Customer No. 26646